

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

CIVIL ACTION NO: 2:24-CV-00490

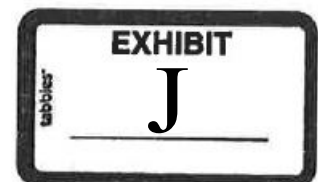
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IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

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April 30, 2025
10:32 a.m.

AN IN PERSON DEPOSITION of JARKEIS
MORRISEY, a Defendant herein, taken by the
respective parties, pursuant to Order, held
at the offices of 405 Lexington Avenue, New
York, New York, before Larin Kaywood, a
Notary Public for and within the State of
New York.

JOB NO.: 112264



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty**

In the Matter of COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING as Owner and Operator of M/T
Mackenzie Rose, (IMO No. 8968765), *et al.*

Civil Action No. 2:24-cv-00490-MSD-LRL

EXHIBIT J

Deposition of Jarkeis Morrissey – April 30, 2025

Page	Line	Extract
15 - 17	21 - 1	<p>21 Q. Has the company issued you a</p> <p>22 phone? Has Carver issued you a phone?</p> <p>23 A. No, sir.</p> <p>24 Q. So do you take your personal</p> <p>25 cell phone when you are on the boat?</p> <p>15</p> <p>1 A. Yes, sir.</p> <p>2 Q. Have you ever used your</p> <p>3 personal cell phone to communicate about</p> <p>4 company business with anybody at Carver?</p> <p>5 A. No, sir.</p> <p>6 Q. What is your cell phone number?</p> <p>7 A. 89 --</p> <p>8 MR. RODGERS: I'm going to tell</p> <p>9 him not to answer that.</p> <p>10 MR. CHAPMAN: And there's a</p> <p>11 reason for that?</p> <p>12 MR. RODGERS: I'm telling him</p> <p>13 not to answer that.</p> <p>14 MR. CHAPMAN: You're</p> <p>15 instructing the witness not to answer</p> <p>16 that question?</p> <p>17 MR. RODGERS: Didn't I just say</p> <p>18 that?</p> <p>19 MR. CHAPMAN: Yeah, you did,</p>

		<p>20 but I'm just --</p> <p>21 MR. RODGERS: You can send a</p> <p>22 demand and we'll take it under</p> <p>23 advisement. I don't want him giving</p> <p>24 his personal phone number in this</p> <p>25 deposition. He's here in his</p> <p>16</p> <p>1 capacity as a Carver employee.</p>
26 - 27	2 - 22	<p>2 Q. What did you do after you felt</p> <p>3 that the tug come to a stop?</p> <p>4 A. I went up to the wheelhouse to</p> <p>5 make sure everything was okay, and make</p> <p>6 sure the captain or the mate was okay.</p> <p>7 Q. So which wheelhouse did you go</p> <p>8 to?</p> <p>9 A. The upper wheelhouse.</p> <p>10 Q. And that's where the mate was?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What did he tell you about what</p> <p>13 had happened?</p> <p>14 A. He said he lost steering.</p> <p>15 Q. What did you understand the</p> <p>16 explanation he gave you to mean?</p> <p>17 MR. RODGERS: Objection to</p> <p>18 form. You can answer if you</p> <p>19 understand it.</p> <p>20 A. That he lost steering.</p> <p>21 Q. What does that mean to you</p> <p>22 though?</p> <p>23 MR. RODGERS: Objection to</p> <p>24 form. You can answer if you</p> <p>25 understand the question.</p> <p>26</p> <p>1 A. I don't know.</p> <p>2 Q. So he told you that he lost</p> <p>3 steering. Did you make any further inquiry</p> <p>4 about what he meant by losing steering?</p> <p>5 A. No, sir.</p> <p>6 Q. Did he tell you to go tell the</p> <p>7 engineer there was a problem with the</p> <p>8 steering?</p> <p>9 A. No, sir.</p> <p>10 Q. Did the engineer come in there</p>

		<p>11 while the two of you were in the 12 wheelhouse? 13 MR. RODGERS: Objection to 14 form. 15 You can answer if you 16 understand the question. 17 A. No, sir. 18 Q. Okay. So when you went up 19 there to find out what had happened, it was 20 just the two of you in the upper 21 wheelhouse, correct? 22 A. Yes.</p>
28 - 29	12 - 4	<p>12 Q. So when you came up into the 13 upper wheelhouse, what was the position of 14 the -- a barge, or tug, however you think 15 of it, relative to the bridge? 16 Where were you? 17 A. I don't know. 18 Q. Could you have -- did you have 19 an unobstructed view out of the front of 20 the wheelhouse. 21 MR. RODGERS: Objection to 22 form. You can answer if you 23 understand. 24 A. I don't know. 25 Q. You don't know? 28 1 A. I don't know. 2 Q. Did you look out the front of 3 the wheelhouse while you were up there? 4 A. No.</p>
29 - 30	5 - 2	<p>5 Q. So you had no instructions from 6 the mate, and then you went down to the, 7 I'll call it the wheelhouse, but it's the 8 wheelhouse right below the upper 9 wheelhouse, right? 10 A. Lower wheelhouse. 11 Q. Okay. So we'll call it the 12 lower wheelhouse then. There's two 13 wheelhouses on that tug, right? 14 A. Yes, sir. 15 Q. Upper and lower? 16 A. (Nodding.) 17 Q. So what was the purpose of 18 going to the lower wheelhouse?</p>

		<p>19 MR. RODGERS: Objection. His</p> <p>20 purpose?</p> <p>21 MR. CHAPMAN: Yeah. He said he</p> <p>22 went there.</p> <p>23 A. My purpose was to go back down</p> <p>24 and make sure everything -- everybody else</p> <p>25 was okay. That's when I saw Chris Miller.</p> <p>29</p> <p>1 He said, "Go see if you could see</p> <p>2 underneath the rake.</p>
34 - 35	11 - 2	<p>11 Q. So you were proceeding</p> <p>12 basically in the direction to go through</p> <p>13 the bridge opening?</p> <p>14 A. Yes.</p> <p>15 Q. Did you look at the bridge from</p> <p>16 your vantage point?</p> <p>17 A. No.</p> <p>18 Q. You -- nobody asked you to look</p> <p>19 at the bridge?</p> <p>20 A. No.</p> <p>21 Q. And you didn't think that you</p> <p>22 should look at the bridge?</p> <p>23 MR. RODGERS: Objection to</p> <p>24 form.</p> <p>25 You can answer if you</p> <p>34</p> <p>1 understand the question.</p> <p>2 A. No.</p>
62 - 64	20 - 25	<p>20 Q. So if you could turn to -- each</p> <p>21 of those pages has a number at the bottom.</p> <p>22 If you could turn to the one marked Carver,</p> <p>23 there's four zeros and then 56.</p> <p>24 If you look at the bottom of</p> <p>25 that page, there's a entry at 1630. It</p> <p>62</p> <p>1 says "Incident." And I'll just read it.</p> <p>2 "Incident Norfolk Virginia.</p> <p>3 Mate James Morrissey reports the autopilot</p> <p>4 was not completely turned off. He was able</p> <p>5 to correct and switch back over to hand</p> <p>6 steering and began backing on the weeks 281</p>

7 barge and maneuvered the barge alongside
8 fendering on the Northend P-B-L-L-R bridge.
9 Photo taken, proceeds slowly away from
10 bridge."
11 You told us what you remember
12 Captain Jimmy Morrissey telling you. Did he
13 ever say anything to you in the aftermath
14 after this incident that the autopilot was
15 not completely turned off?
16 A. No.
17 MR. RODGERS: Objection.
18 Foundation.
19 You can answer. You already
20 did.
21 A. No.
22 Q. Did he ever say anything about
23 switching the autopilot over --
24 MR. RODGERS: Same objection.
25 You can answer.

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1 MR. CHAPMAN: Can I finish?
2 MR. RODGERS: Yeah.
3 MR. CHAPMAN: Thank you.
4 MR. RODGERS: Sure.
5 Q. Did he every say anything about
6 switching the autopilot back over to hand
7 steering --
8 MR. RODGERS: Objection.
9 Q. -- in --
10 MR. RODGERS: Objection.
11 Foundation.

12 Q. -- in the aftermath of the
13 incident?
14 MR. RODGERS: Okay. You can
15 answer.
16 A. No.
17 MR. RODGERS: Apologies, Jim.
18 Q. Did he ever say anything about
19 having taken a photograph of the bridge?
20 MR. RODGERS: Same objection.
21 You can answer if you know.
22 A. No.
23 Q. You can hand that back to me,

		<p>24 please. Thank you.</p> <p>25 A. Welcome.</p>
77 - 78	19 - 24	<p>19 Q. While you've been a deckhand,</p> <p>20 have you ever been given the opportunity to</p> <p>21 take the wheel of the Tug Mackenzie Rose?</p> <p>22 A. No.</p> <p>23 Q. So there is no occasion where</p> <p>24 you've actually been at the controls</p> <p>25 operating the tug --</p> <p>77</p> <p>1 A. Yes.</p> <p>2 Q. -- while you have been a</p> <p>3 deckhand?</p> <p>4 A. Yes, no occasions.</p> <p>5 Q. Do you aspire to be a master or</p> <p>6 a mate?</p> <p>7 A. No.</p> <p>8 MR. RODGERS: Objection to</p> <p>9 form.</p> <p>10 You can answer.</p> <p>11 Q. It's all right.</p> <p>12 A. No.</p> <p>13 MR. RODGERS: We're not going</p> <p>14 to hold you to that.</p> <p>15 Q. Just to be quite --</p> <p>16 MR. RODGERS: Object if you</p> <p>17 ever want to.</p> <p>18 Q. I just want to be certain.</p> <p>19 You've never done any control or operate</p> <p>20 the tug.</p> <p>21 Have you ever used the</p> <p>22 autopilot in the upper or lower wheelhouse</p> <p>23 of the Tug Mackenzie Rose?</p> <p>24 A. No.</p>
81	11 - 18	<p>11 Q. Have you ever been posted as a</p> <p>12 lookout on the head end of a barge during a</p> <p>13 bridge transit?</p> <p>14 A. No.</p> <p>15 MR. RODGERS: Objection. Asked</p> <p>16 and answered.</p> <p>17 A. No.</p> <p>18 MR. RODGERS: You can --</p>